

## New York's New Bail Laws

Prepared by Senior Executive Assistant District Attorney James C. Quinn

11/19/19

**Under the new bail laws, effective January 1, 2020, Judges in New York State cannot set bail on any of the following crimes (and most attempts to commit these crimes), and must release the defendant on non-monetary conditions, regardless of criminal record, ties to the community or previous bench warrants on other cases:**

**(Scroll down through all 4 Pages)**

**Penal Law Section:**

<b><u>Penal Law Section:</u></b>	<b><u>Crime:</u></b>
140.25	Burglary 2° (Residential) Burglary 2 as a Hate Crime
140.20	Burglary 3° (Commercial) Burglary 3 as a Hate Crime
160.10	Robbery 2° (Aided by Another) Robbery 2 as a Hate Crime
160.05	Robbery 3°
220.31 - 220.43	Criminal Sale of a Controlled Substance 1°, 2°, 3°, 4° and 5°
220.28	Use of a Child to Commit a Controlled Substance Offense
220.03 - 220.21	Criminal Possession of a Controlled Substance 1°, 2°, 3°, 4°, 5° and 7°
220.44	Criminal Sale of a Controlled Substance In or Near School Grounds
220.46	Criminal Injection of a Narcotic Drug (into another person)
220.48	Criminal Sale of a Controlled Substance to a Child
220.65	Criminal Sale of a Prescription for a Controlled Substance by a Pharmacist
220.70 - 220.74	Criminal Possession or Manufacture of Methamphetamine
120.00	Assault 3° Assault 3 as a Hate Crime
120.01	Reckless Assault of a Child by a Day Care Provider
120.02	Reckless Assault of a Child
120.50-120.60	Stalking 2°, 3° and 4° Stalking 2, 3 and 4 as a Hate Crime
120.03	Vehicular Assault 1° and 2°
120.04-a	Aggravated Vehicular Assault
120.12	Aggravated Assault upon a Person less than 11 years old Aggravated Assault upon a Person less than 11 years old as a Hate Crime
120.13	Menacing 1°, 2° and 3° Menacing 1, 2 and 3 as a Hate Crime
120.25	Reckless Endangerment 1° and 2°
120.30	Promoting a Suicide Attempt
120.60 (2)	Stalking 1° (while committing a sex offense)
120.45 - 120.55	Stalking 2°, 3° and 4°
121.11	Criminal Obstruction of Breathing or Blood Circulation
125.10	Criminally Negligent Homicide
125.12	Vehicular Manslaughter 2°
125.14	Aggravated Vehicular Manslaughter
125.15	Manslaughter 2°
135.10	Unlawful Imprisonment 1° and 2° Unlawful Imprisonment 1° and 2° as a Hate Crime
135.37	Aggravated Labor Trafficking

135.45 - 135.50	Custodial Interference 1° and 2°
135.55	Substitution of Children
135.60 - 135.65	Coercion 1°, 2° and 3° Coercion 1°, 2° and 3° as a Hate Crime
140.05 - 140.17	Criminal Trespass 1°, 2°, 3° and 4° Criminal Trespass 1°, 2°, 3° and 4° as a Hate Crime
140.35	Possession of Burglar's Tools
140.40	Unlawful Possession of Radio Devices (police scanners)
145.00 - 145.10	Criminal Mischief 1°(explosion), 2° (\$1500), 3° (\$250), and 4° Criminal Mischief 1°(explosion), 2° (\$1500), 3° (\$250), and 4° as a Hate Crime
145.14 - 145.70	Criminal Tampering 1°, 2° and 3°
145.22 - 145.23	Cemetery Desecration 1° and 2°
145.26 - 145.27	Aggravated Cemetery Desecration 1°and 2°
145.25	Reckless Endangerment of Property
145.40 - 140.45	Tampering with a Consumer Product 1°and 2°
145.60	Making Graffiti
145.65	Possession of Graffiti Instruments
150.01 - 150.10	Arson 3° (intentionally damage building or vehicle by fire or explosion) Arson 4° (recklessly damage building or vehicle by fire or explosion) Arson 5° (intentionally damage property of another by fire or explosion) Arson 3°, 4° and 5° as a Hate Crime
155.30 - 155.42	Grand Larceny 1° (\$1,000,000), 2° (\$50,000), 3° (\$3,000) and 4° (\$1,000) Grand Larceny 1° (\$1,000,000), 2° (\$50,000), 3° (\$3,000) and 4° (\$1,000) as a Hate Crime
155.43	Aggravated Grand Larceny of an ATM
155.25	Petit Larceny Petit Larceny as a Hate Crime
156.20 - 156.27	Computer Tampering 1°, 2°, 3°, and 4°
156.10	Computer Trespass
156.05	Unauthorized Use of a Computer
156.29 - 156.30	Unlawful Duplication of Computer Related Material 1° and 2°
158.05 - 158.25	Welfare Fraud 1° (\$1,000,000) Welfare Fraud 2° (\$50,000) Welfare Fraud 3° (\$3,000) Welfare Fraud 4° (\$1,000) Welfare Fraud 5° (any amount)
158.30 - 158.35	Criminal Use of a Public Benefit Card 1° and 2°
158.40 - 158.50	Criminal Possession of a Public Benefit Card 1°, 2° and 3°
165.05 - 165.08	Unauthorized Use of a Vehicle 1°, 2° and 3°
165.09 - 165.11	Auto Stripping 1°, 2° and 3°
165.15	Theft of Services
165.17	Unauthorized Use of a Credit Card or Public Benefit Card
165.25	Jostling
165.50	Fraudulent Accosting
165.40 - 165.54	Criminal Possession of Stolen Property 1°, 2°, 3°, 4° and 5°
170.05 - 170.15	Forgery 1°, 2° and 3°
170.20 - 170.30	Criminal Possession of a Forged Instrument 1°, 2° and 3°
170.40	Criminal Possession of Forgery Devices
170.70	Criminal Possession of Vehicle Identification Number

170.65	Forgery of a Vehicle Identification Number
175.05 - 175.10	Falsifying Business Records 1° and 2°
175.20 - 175.25	Tampering with Public Records 1° and 2°
175.30 - 175.35	Offering a False Instrument for Filing 1° and 2°
176.10 - 176.30	Insurance Fraud 1°, 2°, 3°, 4° and 5°
177.05 - 177.25	Health Insurance Fraud 1°, 2°, 3°, 4° and 5°
178.10 - 178.25	Criminal Diversion of Prescription Medications 1°, 2°, 3° and 4°
180.03	Commercial Bribery 1° and 2°
180.55 - 180.57	Rent Gouging 1°, 2° and 3°
187.05 - 187.25	Residential Mortgage Fraud 1°, 2°, 3°, 4° And 5°
190.80 -a	Aggravated Identity Theft
190.78 - 190.80	Identity Theft 1°, 2° and 3°
200.00 - 200.04	Bribery 1°, 2° and 3°
210.05 - 210.15	Perjury 1°, 2° and 3°
215.55 - 215.57	Bail Jumping 1° (failure to appear on Class A or B Felony) Bail Jumping 2° (failure to appear on Felony) Bail Jumping 3° (failure to appear on a misdemeanor)
195.05 - 195.07	Obstructing Governmental Administration 1° and 2°
195.08	Obstructing Governmental Administration by Means of a Self Defense Spray Device
195.06	Killing a police work dog or police work horse
195.16	Obstructing Emergency Medical Services
195.17	Obstructing Governmental Duties by Means of a Bomb
205.05 - 205.15	Escape 1°, 2° and 3°
205.20 - 205.25	Promoting Prison Contraband 1° and 2°
205.30	Resisting Arrest
205.55 - 205.65	Hindering Prosecution 1°, 2° and 3°
210.35 - 210.40	Making an Apparently Sworn False Statement
215.00	Bribing a Witness
215.05	Bribe Receiving by a Witness
215.19	Bribing a Juror
215.20	Bribe Receiving by a Juror
215.22	Providing a Juror with a Gratuity
215.23 - 215.25	Tampering with a Juror 1° and 2°
215.35 - 215.40	Tampering with Physical Evidence
215.45	Compounding a Crime
215.50	Criminal Contempt 2° under subdivision 1, 2, 4, 5, 6, 7
215.51 (a)	Criminal Contempt 1° - refusal to be sworn as a witness or testify in grand jury
215.70	Unlawful Grand Jury Disclosure
Article 225	Any Gambling Offense
Article 230	Any Prostitution Offense, including:
230.08	Patronizing a Prostitute in a School Zone
230.19	Promoting Prostitution in a School Zone
230.32	Promoting Prostitution 1° (victim less than 13) Promoting Prostitution 2° (compelling victim to participate in prostitution) Promoting Prostitution 3° (victim is less than 19 years old)
230.33	Compelling Prostitution
230.34	Most Sex Trafficking
235.21 - 235.22	Disseminating Indecent Material to Minors 1° and 2°

240.06 - 240.08	Riot 1° and 2°
240.15	Criminal Anarchy
240.25 - 240.26	Harassment 1° and 2° Harassment 1° and 2° as a Hate Crime
240.30 - 240.31	Aggravated Harassment 1° and 2° Aggravated Harassment 1° and 2° as a Hate Crime
240.32	Aggravated Harassment of an Employee by an Inmate
240.45 - 240.46	Criminal Nuisance 1° and 2°
240.50	Falsely Reporting an Incident
240.76	Directing a Laser at an Aircraft 1° and 2°
242.10 - 242.15	Harming a Service Animal 1° and 2°
245.00 - 245.03	Public Lewdness
250.05	Illegal Eavesdropping
250.55 - 250.60	Dissemination of Unlawful Surveillance 1° and 2°
260.05 - 260.06	Non-Support of a Child 1° and 2°
260.10	Endangering the Welfare of a Child
260.22	Facilitating Female Genital Mutilation
260.24 - 260.25	Endangering the Welfare of an Incompetent or Physically Disabled Person 1° and 2°
260.32 - 260.34	Endangering the Welfare of a Vulnerable Elderly Person or an Incompetent or Physically Disabled Person 1° and 2°
263.10	Promoting an Obscene Sexual Performance by a Child
263.11	Possessing an Obscene Sexual Performance by a Child
263.15	Promoting a Sexual Performance by a Child
263.16	Possessing a Sexual Performance by a Child
265.01	Criminal Possession of a Weapon 4°
265.01-a	Criminal Possession of a Weapon on School Grounds
265.01	Criminal Possession of a Firearm
265.02	Criminal Possession of a Weapon 3° under subdivision 1, 2 and 3
265.17	Criminal Purchase or Disposal of a Weapon
270.20	Unlawfully Wearing of a Body Vest
270.25 - 270.35	Unlawfully Fleeing a Police Officer in a Motor Vehicle 1°, 2° and 3°
460.20	Enterprise Corruption
470.05 - 470.20	Money Laundering 1°, 2°, 3° and 4°
470.21 - 470.22	Money Laundering in Support of Terrorism 3° and 4°
496.03 - 496.05	Corrupting the Government 1°, 2° and 3°
100.10	Criminal Solicitation 1°, 2°, 3° Including but not limited to commit kidnapping, rape, robbery, drug sales, or to solicit children under 26 to commit any felony
105.05 - 105.17	Conspiracy 2°, 3°, 4° and 5°, including but not limited to conspiracy to commit rape, robbery, kidnapping, burglary, or to engage a child under 16 to engage in any felony. Conspiracy 2°, 3°, 4° and 5° as a Hate Crime, including but not limited to conspiracy to commit rape, robbery, kidnapping, burglary, or to engage a child under 16 to engage in any felony as a Hate Crime
115.00 - 115.08	Criminal Facilitation 1°, 2°, 3° and 4° including but not limited to providing support to people to commit murder, kidnapping, robbery, burglary, rape or to aid a person under 16 to commit any felony.